

SERVICE DATE – JULY 8, 2015

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1233X

ALLEGHENY VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
ALLEGHENY COUNTY, PA.

Decided: July 7, 2015

On June 17, 2015, Allegheny Valley Railroad Company (AVRC) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon approximately 1,542 feet of track between milepost 0.3, on the northeasterly side of 16th Street, and milepost 0.6, at the center line of 21st Street, in the Strip District of Pittsburgh, Allegheny County, Pa. The map submitted with the verified notice shows the subject track running along Railroad Street. In its Historical Report, AVRC states that, “[a]s determined by the STB in STB Finance Docket No. 35239, [Consolidated Rail Corporation (Conrail)] abandoned this section of track in 1986, but subsequently conveyed its permanent rail easement to [AVRC] for common carrier railroad purposes in 1996 in Finance Docket No. 32783.”¹

Based on AVRC’s description and submissions, it appears that the track at issue here is part of the track that was at issue in Allegheny Valley Railroad—Petition for Declaratory Order, Docket No. FD 35239. In that proceeding, the Board determined in 2013 that Conrail had received authority in 1984 to abandon a line located “along Railroad Street between 16th Street and 21st Street in Pittsburgh, Pa.,” and that Conrail subsequently consummated the abandonment prior to Conrail’s alleged conveyance of the railroad easement to AVRC in 1995. Allegheny Valley R.R.—Pet. for Declaratory Order, FD 35239, slip op. at 2, 14-15 (STB served Apr. 19, 2013). The Board thus concluded that AVRC never acquired a railroad easement over this section of track from Conrail because the track previously had been removed from the national rail transportation system and was no longer subject to the Board’s jurisdiction. See Allegheny Valley R.R.—Pet. for Declaratory Order, FD 35239, slip op. at 4 (STB served July 16, 2013).

In light of the Board’s findings in Docket No. FD 35239, AVRC will be directed to inform the Board whether this proceeding involves the same track that the Board concluded was previously abandoned by Conrail, and, if so, explain why Board authorization to abandon this track is required. AVRC will be directed to file a supplemental submission addressing this issue by August 7, 2015. In the meantime, this proceeding will be held in abeyance pending further Board order.

¹ Verified Notice of Exemption, App. B at 3-4.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is held in abeyance pending further Board order.
2. AVRC is directed to file the supplemental information identified in this decision by August 7, 2015.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.